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Total Number of Pages in This Submission

8

Application Number

10/646,205

Filing Date

August 21, 2003

First Named Inventor

Ward et al.

Art Unit

3747

Examiner Name

Hyder Ali

Attorney Docket Number

DKT-00053B (BWI-00054-DVA)

ENCLOSURES (Check all that apply)

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| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
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| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
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Applicant believes no fee to be due for the attached filing, however, should additional fees be due in order to prevent the abandonment of this application, please consider this as authorization to charge Deposit Account No. 501612 (Warn, Hoffmann, Miller & LaLone, P.C.) for any such fees due. A duplicate copy of this document is enclosed for this purpose. | |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Warn, Hoffmann, Miller & LaLone, P.C. Philip R. Warn - Reg No. 32775
Signature	
Date	July 26, 2004

CERTIFICATE OF TRANSMISSION/MAILING

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Signature		Date	July 26, 2004
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IFW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/646,205
Filing Date: August 21, 2003
Applicant: Lyle Ward et al.
Group Art Unit: 3747
Examiner: Hyder Ali
Title: INTAKE MANIFOLD FOR AN ENGINE
Attorney Docket: DKT 00053B (BWI-00054-DVA)

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service, as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 26, 2004 By: [Signature].

AMENDMENT AND RESPONSE TO OFFICE ACTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed June 25, 2004, to which a timely one month response is due on Monday July 26, 2004, since July 25, 2004 is on a Sunday.

The Examiner asserted that restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-7, drawn to linkage, classified in class 123, subclass 336;
- II. Claims 8-17, drawn to anti-chatter device, classified in class 123, subclass 184.55; and
- III. Claims 18 and 19, drawn to clearance, classified in class 123, subclass 337.

The Applicant respectfully traverses the restriction requirement. The Applicant contends that while the claims of the present invention may arguably be properly classified as proposed by the Examiner, the actual search required to be conducted by the Examiner with respect to any one particular group, will, in all probability, entail searching in multiple subclasses that encompass, or at least overlap, all of the subclasses identified by the Examiner. Therefore, the Applicant submits that the search required to concurrently examine all of the claims of the instant application will not be unduly burdensome.

The Applicants hereby elect Group II, claims 8-17, with traverse, for prosecution on the merits.

The Applicant respectfully requests consideration of the claim of the instant application and a favorable response is earnestly solicited. In the interests of expediting the prosecution of the instant application, it is respectfully requested that the Examiner contact the attorney of record by telephone in order to resolve any issues concerning patentability.

Any needed extension of time is hereby requested with the filing of this document.

The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1612. A duplicate copy of this letter is enclosed herewith.


Respectfully submitted,

WARN, HOFFMANN, MILLER & LALONE, P.C.
Attorneys for Applicant(s)

Dated: July 26, 2004

P.O. Box 70098
Rochester Hills, MI 48307
(248) 364-4300

PRW/PHS/cah

By: 
Philip R. Warn (Reg. No. 32775)
Preston H. Smirman (Reg. No. 35365)